



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,010	02/16/2001	James McCoy	A0647-991100	4071
26379	7590	08/11/2009		
DLA PIPER LLP (US) 2000 UNIVERSITY AVENUE EAST PALO ALTO, CA 94303-2248			EXAMINER ELISCA, PIERRE E	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 08/11/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PatentDocketingUS-PaloAlto@dlapiper.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: JAMES MCCOY and DOUGLAS BARNES

Application No. 09/785,010
Technology Center 3600

Mailed: August 10, 2009

Before MARIA VIGNONE, *Supervisory Trial Clerk*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 27, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, GROUNDS OF REJECTION

A review of the file indicates that the Examiner's Answer filed July 6, 2007 does not comply with the guidelines provided in MPEP § 1207.02 because it refers, directly to a prior Office action without fully restating the point relied upon in the Answer. If there is a complete and thorough development of the issues in a prior action, the examiner may copy any referenced prior rejection(s) from the prior Office action into the Examiner's Answer. The Examiner is reminded to reevaluate his or her prior position in light of the arguments presented in the Brief, and should expressly withdraw any rejections not adhered to in the "Grounds of Rejection Withdrawn" section of the Examiner's Answer.

Therefore, a substitute Examiner's Answer which fully restates any prior points relied upon in the answer, is required. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 (8th ed. Rev. 6, Sept 2007) for details.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to vacate the Examiner's Answer mailed July 6, 2007;
- 2) to generate a new Examiner's Answer which does not refer directly or indirectly to a prior Office action without fully restating the point relied on in the answer; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Application No. 09/785,010

MV/nhl

DLA PIPER LLP (US)
2000 UNIVERSITY AVENUE
EAST PALO ALTO CA 94303-2248